

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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KENNETH R. DONCHATZ,

Plaintiff,

**NOTICE OF MOTION**

v.

Civ. Action No.: 1:14-CV-00194-JTC

HSBC BANK USA, N.A., HSBC MORTGAGE  
SERVICES, MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC., MERS, INC.,  
MERSCORP HOLDINGS, INTERVALE  
MORTGAGE CORPORATION, CHRISTOPHER  
RIBBECK, *et al.*,

Defendants.

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PLEASE TAKE NOTICE that, upon the declaration of Preston L. Zarlock, Esq., dated May 30, 2014, with exhibits attached thereto, and the accompanying memorandum of law dated May 30, 2014, defendants HSBC Bank USA, N.A., HSBC Mortgage Services Inc. (incorrectly sued herein as “HSBC Mortgage Services”) (“HMSI”), Mortgage Electronic Registration Systems, Inc. (also incorrectly sued herein as “MERS, Inc.”), MERSCORP Holdings, Inc. (incorrectly sued herein as “MERSCORP Holdings”), and Christopher Ribbeck (“Ribbeck”) (collectively, “HSBC/MERS Defendants”) will move this Court before the Hon. John T. Curtin, Senior United States District Judge, at the United States Courthouse, 2 Niagara Square, in Buffalo, New York, at such time and date as the Court shall direct, for an order:

1.     Granting HSBC/MERS Defendants’ motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6); and
2.     Granting such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that Defendants state their intention to

submit reply papers in support of this Motion in accordance with Local Rule 7(a)(1).

Dated: Buffalo, New York  
May 30, 2014

PHILLIPS LYTLE LLP

By /s/ Preston L. Zarlock  
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